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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,434	12/31/2003	Stephen Lawrence	24207-10095	9581

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EXAMINER	
KIM, PAUL	

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,434	LAWRENCE ET AL.	
	Examiner	Art Unit	
	Paul Kim	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25,26,54,55 and 62-105* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25,26,54,55 and 62-105* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/13/07, 8/30/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 9 October 2007.

2. Claims 25, 26, 54, 55 and 62-105 are pending and present for examination. Claims 25 and 54 are in independent form.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 13 June 2007 and 30 August 2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 25-26, 54-55, 62-63, 71, 80, 83-84, 92, 101, and 104-105** are rejected under 35 U.S.C. 102(b) as being anticipated by Uchiyama (USPGPUB No. 2002/0065802), filed on 30 May 2001, and published on 30 May, 2002.

6. **As per independent claims 25, 54, 104, and 105,** Uchiyama teaches:

A method comprising:

determining client-side behavior data associated with an article {See Uchiyama, [0058], wherein this reads over "the program code . . . may monitor the activity of the browser software so as to collect information concerning that user's browsing behavior, habits, preferences, biases"};

providing the client-side behavior data associated with the article to a ranking processor {See Uchiyama, [0059], wherein this reads over "[t]he program code 140 then, may

transmit collected data to the central server 120 for recordation, categorization, and aggregation with data collected from other users"};

calculating a predetermined client behavior score for the article based at least in part on the client-side behavior data associated with the article {See Uchiyama, [0092], wherein this reads over "[t]he system, therefore, may provide customized search results by utilizing user profile information collected for each respective individual and comparing that user profile data with the statistical data concerning a given potential search result. Each prospective search result may be weighted or ranked, for example, at least partially as a function of the comparison with the user profile data"};

storing the predetermined client behavior score in a data store, wherein the data store associates the predetermined client behavior score with the article {See Uchiyama, [0062], wherein this reads over "[a]s a user visits various sites during browsing session, relevant information is collected at the client side and transmitted to the central server 120, where it may be stored in appropriate database records associated with the user, the URL or site itself"};

receiving a search query {See Uchiyama, [0058], wherein this reads over "[k]eywords or query terms which the user submitted prior to navigating to the Web site"; and [0073]};

determining that the article is associated with the search query {See Uchiyama, [0074]; and [0091], wherein this reads over "[b]y compiling data from registered users in the database within the central server 520, search results for any given query will improve over time"};

receiving from the data store the predetermined client behavior score associated with the article {See Uchiyama, [0086]; and {See Uchiyama, [0092], wherein this reads over "provide customized search results by utilizing user profile information collected for each respective individual"};

arranging the article in a search result of the search query based at least in part on the predetermined client behavior score associated with the relevant article {See Uchiyama, [0093]; and [0092], wherein this reads over "[e]ach prospective search result may be weighted or ranked, for example, at least partially as a function of the comparison with the user profile data"}; and

displaying at least a part of the search result to a user {See Uchiyama, Figures 7 and 8}.

7. **As per dependent claims 62 and 83,** Uchiyama teaches:

The method of claim 26, wherein the search query is an explicit search query {See Uchiyama, [0058], wherein this reads over "[k]eywords or query terms which the user submitted prior to navigating to the Web site"}.

8. **As per dependent claims 63 and 84,** Uchiyama teaches:

The method of claim 26, wherein the search query is an implicit search query {See Uchiyama, [0058], wherein this reads over "[k]eywords or query terms which the user submitted prior to navigating to the Web site"}.

9. **As per dependent claims 71 and 92,** Uchiyama teaches:

The method of claim 25, wherein the client-side behavior data associated with the relevant article comprises frequency of article access data {See Uchiyama, [0117], wherein this reads over "organize search results according to the most popular, or most frequently visited URLs"}.

10. **As per dependent claims 80 and 101,** Uchiyama teaches:

The method of claim 25, further comprising determining a combined score based at least in part on client-side behavior data for multiple users {See Uchiyama, [0014], wherein this reads over "operate to gather and to collect human knowledge by monitoring users' activities on the client or browser side"; [0086], wherein this reads over "compare the respective data store in two users' respective profiles and subsequently compute a relative measure of the compatibility"}.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. **Claims 64-70, 72-79, 81-82, 85-91, 93-100, and 102-103** are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama, in view of Official Notice.

13. **As per dependent claims 64 and 85,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise scrolling activity data (i.e. whether the user scrolled down the relevant article to view more of the content).

14. **As per dependent claims 65 and 86,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise printing data (i.e. whether the user printed out the relevant article).

15. **As per dependent claims 66 and 87,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise book marking data (i.e. whether the user bookmarked an article).

16. **As per dependent claims 67 and 88,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise use of computer program application data (i.e. the type of browser utilized by the user).

17. **As per dependent claims 68, 70, 89, and 91,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the use of computer program application data is used in connection with additional client-side, behavior data (i.e. data regarding the type of browser utilized may be combined with other featured behavior data to build a user profile).

18. **As per dependent claims 69 and 90,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise idleness data.

19. **As per dependent claims 72 and 93,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise time of access data (i.e. the time the user accessed the relevant article).

20. **As per dependent claims 73 and 94,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise time of access relative to the access of other associated articles data (i.e. the proximity in time of accessed articles by the user).

21. **As per dependent claims74 and 95,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise forwarding data (i.e. whether the user forwarded the data to another user or entity).

22. **As per dependent claims 75 and 96,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise copying data (i.e. whether the user copies portions of data from the relevant article).

23. **As per dependent claims 76 and 97,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise replying data (i.e. whether the user provided a response to the relevant article via voting or commenting).

24. **As per dependent claims 77 and 98,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise mouse movement data (i.e. the regions of the relevant article or application which the user may have navigated the mouse).

25. **As per dependent claims 78 and 99,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise user interactions with a separate article data.

26. **As per dependent claims 79 and 100,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that the client-side behavior data associated with the relevant article could comprise location data (i.e. the IP address or geographical region wherein the user is located).

27. **As per dependent claims 81 and 102,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art to combine a plurality of types od client-side behavior data to determine and provide a combined score for use in ranking the relevant articles according to said client-side behavior data.

28. **As per dependent claims 82 and 103,** the Examiner takes Official Notice that it would have been obvious and widely-known to those of ordinary skill in the art that different weights for different

types of behavior data would be used in the computation of the score such that certain behavior data would be accorded more weight than others.

Response to Arguments

29. Applicant's arguments filed 9 October 2007 have been fully considered but they are not persuasive.

a. Rejections under 35 U.S.C. 102

Applicant asserts the argument that Uchiyama fails to disclose the quantification of "client-side behavior data related to a specific article by calculating a predetermined client behavior score for the article." See Amendment, page 15. The Examiner respectfully disagrees in that Uchiyama discloses that data collected may include the URLs visited, the duration of time spent at each site. See Uchiyama, [0061]. Additionally, Uchiyama discloses that "[a]s a user visits various sites during browsing sessions, relevant information is collected at the client side and transmitted to the central server 120, where it may be stored in appropriate database records associated with the user, the URL or site itself." See Uchiyama, [0062]. Accordingly, the provided data from the client and stored subsequently in a central server is used to determine a relevancy score for the article, wherein the article is thereafter ranked accordingly in the return of search results. See Uchiyama, [0073] and [0083]. Therefore, the Examiner notes that Uchiyama accurately discloses the claimed invention as recited for the reasons above.

Accordingly, the rejections under 35 U.S.C. 102 are sustained.

b. Rejections under 35 U.S.C. 103

Applicant asserts the argument that the Examiner's Official Notice is deficient in that the Examiner has not provided documentary evidence of proof for the Official Notice. The Examiner notes that the features claimed are well-known within the art. Because Applicant has inadequately traversed the Official Notice and is therefore deficient, no document evidence shall

be provided by the Examiner. The Applicant is directed to MPEP 2144.03, which address the topic of Official Notice and clearly state the criteria for traversing an Official Notice. MPEP 2144.03, Part C states the following in part:

> To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also Chevenard, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. (emphasis added)
>
> If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. (emphasis added).

Wherein Applicant has failed to include stating why the noticed fact is not considered to be common knowledge or well-known in the art in the present Amendment, Applicant's traversal is deemed inadequate. Accordingly, the Official Noticed facts found in the rejections of claims 64-70, 72-79, 81-82, 85-91, 93-100, and 102-103 are to be taken as admitted prior art. Furthermore, it is noted that the provision of documentary evidence supporting this rejection is unnecessary in light of Applicant's inadequate traversal.

Accordingly, the rejections under 35 U.S.C. 103 are sustained.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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